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HEARING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA JR., CALEPA BUILDING
1001 I STREET
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, AUGUST 7, 2006

10:00 A.M.

JAMES F. PETERS, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Ms. Pat Wiggins

BOARD MEMBERS

Ms. Margo Reid Brown, Board Chairperson

Mr. Jeffrey Danzinger

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Acting Chief Counsel

Mr. Howard Levenson, Deputy Director

Ms. Angela Basquez

Mr. Mustafe Botan

Mr. Mark de Bie, Manager, Permitting and Inspection Branch

Mr. Tad Gebre-Hawariat

Ms. Suzanne Hambleton, Supervisor, Permitting and
Inspection Branch, Southern Section

Mr. Willy Jenkins

Mr. Steve Levine, Senior Staff Counsel

Mr. Wes Mindermann, Supervisor, Solid Waste Cleanup
Programs Section

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APPEARANCES CONTINUED

STAFF

Ms. Sue O'Leary, Supervisor, Permitting & Inspection
Branch, North Central Section

Mr. Scott Walker, Manager, Remediation, Closure &
Technical Assistance Branch

ALSO PRESENT

Mr. Bill Bartels, City of Fillmore

Mr. Gerardo Boroquez, Torres Martinez Desert Cahuilla
Tribe

Mr. Michael Connolly, Campo Tribe

Mr. Jeff Lamoure, Imperial County LEA

Mr. David Mason, Del Norte County

Mr. Robert Newsad, Indian Health Service

Mr. Bert Raff, City of Fillmore

Ms. Pam Raptis, San Diego County LEA

Mr. Bob Swift, Sonoma County LEA

Mr. Clancy Tenley, United States Environmental Protection
Agency

Mr. Ted Terrasus, Monterey County LEA

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the August 7th meeting of the Permitting and
4 Enforcement Committee.

5 We do have agendas on the back table.

6 And also if you would like to speak to any item
7 that we're hearing today, please fill out a speaker's slip
8 and bring it up to Donnell here up front. And then you
9 will have an opportunity to address the Committee.

10 I understand that Board Member Wiggins will be a
11 little bit late, but we are going to get started anyway.
12 She asked me to get started.

13 With that, also I'd like to ask everyone to
14 either turn off or put in silent mode your cell phones and
15 pagers, please.

16 And with that, Donnell, would you please call the
17 roll.

18 SECRETARY DUCLO: Members Peace?

19 COMMITTEE MEMBER PEACE: Here.

20 SECRETARY DUCLO: Wiggins?

21 Chair Mulé?

22 CHAIRPERSON MULÉ: Here.

23 Okay. Do we have any ex partes?

24 COMMITTEE MEMBER PEACE: No, I am up to date.

25 CHAIRPERSON MULÉ: And I just spoke very briefly

1 to George Eowan and Evan Edgar regarding PR 410, and
2 that's it. Otherwise I'm up to date.

3 And with that, we'll get right into our Deputy
4 Director's Report.

5 Howard.

6 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
7 Chair. And good morning, Member Peace. I'm Howard
8 Levenson with the Permitting and Enforcement Division.
9 And I'd like to report to you on PR 410 and a couple of
10 other items.

11 As you know, on Proposed Rule 410 from the South
12 Coast Air Quality Management District, our staff continues
13 to work with the district staff on the development of this
14 proposed rule, which affects odors from transfer stations
15 and material recovery facilities.

16 Over the last I guess year and a half now or so
17 we've been encouraging the South Coast District to
18 consider a multi-agency cooperative approach to addressing
19 odors that incorporates the expertise of LEAs and provides
20 for an alternative odor management plan that could be
21 approved by LEAs.

22 The district held a working group meeting on July
23 26th in Diamond Bar and then also reported to their
24 Stationary Source Committee meeting, which, Madam Chair,
25 you attended, on the 28th.

1 They have distributed a revised proposed rule
2 text and a draft enforcement protocol that do contain many
3 of our suggestions. And I think we've made a lot of
4 progress over the last month or so in particular in moving
5 towards some acceptance of most or all of our original
6 proposal -- our alternative proposal.

7 They are supposed to make some additional
8 revisions to the proposed rule based on comments from the
9 working group; have another working group meeting
10 sometime, unscheduled as far as I know at this point; and
11 then the public hearing for the proposed rule, which had
12 been scheduled for early September, is now scheduled for
13 October.

14 So that's the latest that I have on that. And I
15 know that you were in attendance and spoke at the
16 Stationary Source Committee meeting, and we appreciate
17 your support on that.

18 Let me turn now to the cattle mortality that has
19 been occurring in the southern Central Valley in
20 particular, which has suffered extreme cattle mortality
21 during the recent heat wave.

22 Typically there is normal cattle mortality.
23 Every -- most dairies have some daily mortality, a few
24 head. And it's typically handled by rendering plants.
25 But overall in the state rendering plant capacity is on

1 the decline. And there are operational issues at existing
2 facilities that have further exacerbated the situation.

3 During the heat wave, we have so far documented
4 mortalities of over 23,000 head of cattle, and along with
5 over 400 or 500,000 turkeys and chickens. So it was a
6 tremendous problem for a lot of the counties down in the
7 southern San Joaquin.

8 Depending on the county, some were allowed to be
9 buried on site, while some were sent to landfills for
10 disposal. For those situations involving landfill
11 disposal, the LEAs or, in the case of Stanislaus, the
12 Board, acting as the EA, have processed waivers of permit
13 terms and conditions in Stanislaus, Fresno and San Joaquin
14 Counties.

15 We've been in constant communication with all of
16 the LEAs in those counties, those three plus the others
17 affected. We've worked cooperatively with Food and Ag and
18 with the regional water boards during this, including
19 issuing joint guidance with the Food and Ag Department and
20 CalEPA in how to handle these mortalities.

21 Mr. Leary will have to include some information
22 about the emergency waivers and the temporary waivers in
23 his Exec Director's report next week as part of our
24 reporting requirements. But we'll still be tracking the
25 cattle mortality issue in general, trying to get better

1 numbers. There's a weekly conference call now as
2 follow-ups. And there will be an after-action report
3 that's developed to summarize that and determine any
4 future steps to prevent this from happening.

5 A couple of related issues that stem from this.
6 One is that -- and this was discussed by the directors of
7 environment health at the LEA conference last week -- is
8 that there does not seem to be sufficient forward planning
9 by some of the dairy industry in terms of providing for
10 cooling systems for the large herds. It's to try and
11 prevent these large numbers of mortalities from happening.
12 So there is concern that things break down, LEAs, disposal
13 facilities were at the tail end, and we just have to deal
14 with it.

15 So if there's some ability to work with Food and
16 Ag and ag commissioners on dairy operations, you know,
17 maybe there's something we can do there.

18 One of the options that has been considered for
19 cattle mortality is composting. But that is not legally
20 available in non-declared emergency situations due to
21 existing law, both Food and Ag Code sections, which
22 restrict transport off-site, and also our own composting
23 regulations, which prohibit the composting of mammalian
24 flesh.

25 We have been in discussions -- and this is just

1 more of a heads-up for you. We have been in discussions
2 with Food and Ag Department about the possibility of
3 changing our composting regulations to allow for on-farm
4 composting of mammals for research purposes, so that we
5 can determine whether or not the prohibition should be
6 lifted entirely.

7 So that's something that if the Food and Ag
8 Department is supportive of moving forward in that area,
9 we would come back to you some time in the next couple of
10 months with some proposal perhaps for emergency regs to
11 open up the composting regs to allow for some scientific
12 research in that area.

13 Just a couple more things. One is just for next
14 month, we anticipate having -- coming back to you with the
15 permit implementation regulations. We won't out for
16 60-day comment, had approximately 30 written responses.
17 And Mark de Bie and Bobby Garcia and Becky Williams have
18 been in discussions with many of the folks on a one-to-one
19 basis about their comments and what we might be able to do
20 to change the regulations.

21 We want to make sure that we have done as much
22 leg work as possible to bring the package back to you in
23 as good a shape as we can. So we're shooting for
24 September. But it might be October if we're not quite
25 ready in September.

1 Lastly, I just want to flag the LEA conference
2 that we had last week. It was a great conference. Many
3 of the -- we had over 300 people in attendance. This is
4 the first time we've had tire enforcement grantees. And I
5 think that really worked well, to have the interaction
6 with -- some of them are LEAs, so they might have been at
7 the conference anyway. But to have that interaction and
8 specific sessions devoted to tire training I think worked
9 really well. And that was done in conjunction with the
10 Special Waste Division tire folks here at the Board and
11 then in our shop.

12 And I think overall I just want to again thank
13 Sharon Anderson and Mindy Fox and the entire LEA crew for
14 putting this on. It was -- there were a few hitches
15 behind the scenes, as there always are, but nobody saw
16 them. And they take care of these things. It takes six
17 to eight months of planning to get these things taken care
18 of. And it was just a great conference with fantastic
19 presentations. So thanks to them.

20 And next year we'll be in southern California.

21 CHAIRPERSON MULÉ: Was that Bakersfield, Howard?

22 (Laughter.)

23 DEPUTY DIRECTOR LEVENSON: So far the choice is
24 Bakersfield and some spot --

25 CHAIRPERSON MULÉ: Bakersfield or San Diego.

1 DEPUTY DIRECTOR LEVENSON: Oh, San Diego, yes.

2 Bakersfield - San Diego.

3 (Laughter.)

4 DEPUTY DIRECTOR LEVENSON: That concludes my
5 report.

6 Thank you, Madam Chair.

7 CHAIRPERSON MULÉ: Thank you, Howard.

8 Just a couple comments.

9 Well, first of all, we're joined by Chair Brown.
10 Thank you for being here.

11 And Board Member Danzinger.

12 Welcome back.

13 BOARD MEMBER DANZINGER: Hi.

14 CHAIRPERSON MULÉ: Good to have you back.

15 BOARD MEMBER DANZINGER: Thank you.

16 BOARD CHAIRPERSON BROWN: Thank you.

17 CHAIRPERSON MULÉ: First of all, on PR 410,
18 Howard, I just want to thank you and Bob for all of your
19 hard work on that rule. This really was a long process,
20 but I think we came up with a workable solution that is
21 acceptable to everyone. So thank you for all your work on
22 that.

23 Second is is I did attend the LEA conference.
24 And all I can say is "Wow." You guys all did a great job.
25 The program was excellent. I really think it helped

1 having the tire folks there, because in my mind
2 enforcement is enforcement. And there was -- I had
3 several people come up to me and say how much they
4 appreciated the tire inspectors being at the LEA
5 conference. So I'm looking forward to even bigger and
6 better next year in Bakersfield or San Diego, either one.

7 So thank you.

8 Okay. With that, let's move on to our agenda
9 then.

10 Our first item --

11 DEPUTY DIRECTOR LEVENSON: First item, Item B,
12 Board 16, is consideration of new projects and a grant
13 award for the Solid Waste Disposal and Codisposal Site
14 Cleanup Program.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 DEPUTY DIRECTOR LEVENSON: As you know, we have
18 five different Board-managed projects and grants -- four
19 Board-managed projects and one grant being proposed for
20 your consideration in this item. So it's going to take a
21 little while to go through this. And we're going to have
22 a bit of a tag team approach between myself, Scott Walker,
23 Wes Mindermann and Mustafe Butan on this.

24 And as you know, there are a number of folks in
25 the audience who wish to speak on this item -- on various

1 parts of the item. So this item in particular will
2 probably take a little while to get through. But it's a
3 major item for the cleanup program and our ability to
4 assist local jurisdictions and the tribes in cleaning up
5 some of the large sites that have been accumulating around
6 the state.

7 I do want to indicate one thing -- and Scott and
8 Wes are going to go into this in more detail -- that just
9 in general the way the Solid Waste Cleanup Program
10 functions is that we get an annual appropriation of
11 roughly \$5 million from the Integrated Waste Management
12 Account, and that goes into the special -- the trust fund
13 for the cleanup program. That money is continuously
14 appropriated. So we're able to work with that money
15 across the various fiscal years, and we don't have a
16 constraint on having to encumber it and expend it within
17 any one particular year.

18 Typically what we have in place -- the program
19 functions by having Board-managed cleanups. And we have a
20 couple of contracts in place -- and Scott and Wes will go
21 into this in a little more detail -- that the Board
22 approves every year -- or every couple of years. We go
23 out for competitive bid, we come back to the Board. And
24 these are the environmental services contracts. We have
25 one in the north and one in the south. Right now they're

1 funded -- we have a million and a half dollars in each
2 one. And we can add on to that as needed when we come
3 back to the Board.

4 So we have contracts in place which we use for
5 the grant -- the Board-managed projects. Then we have an
6 unencumbered balance that we -- right now it's fairly
7 large because we just got our annual appropriation. But
8 we use that for the grants and for any loans that come
9 through. And so you will see some different funding strip
10 information in this. And we'll be working with Admin to
11 increase the clarity of that in the future.

12 But typically Wes goes through this information
13 at the end of the item. Today we're going to go ahead and
14 start with that information so it's very clear what the
15 status of the fund is, what's in the contracts, what's
16 available for grants, and then we'll go into the specific
17 projects.

18 CHAIRPERSON MULÉ: Okay.

19 DEPUTY DIRECTOR LEVENSON: So with that I'll turn
20 to Scott for his remarks.

21 REMEDICATION, CLOSURE & TECHNICAL ASSISTANCE

22 BRANCH MANAGER WALKER: Thank you. Scott Walker,
23 Permitting and Enforcement Division.

24 And before I hand off to Wes, I just wanted to
25 note that in this item we're recommending approval

1 pursuant to Solid Waste Cleanup Program of four

2 Board-managed projects and one matching grant.

3 --o0o--

4 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

5 BRANCH MANAGER WALKER: And the total is approximately

6 \$1.8 million. And these are the sites that we're going to

7 talk a little bit about later.

8 But before we go into the presentation, again

9 I'll hand off to Wes. And Wes can go over the fund status
10 and contract status.

11 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

12 MINDERMAN: Thank you, Scott.

13 Wes Mindermann, for the record.

14 Madam Chair and members of the Committee, good
15 morning.

16 --o0o--

17 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

18 MINDERMAN: What we have for your consideration this

19 morning are four Board-managed projects totaling

20 approximately \$1.2 million and one grant for an estimated

21 \$600,000. And the question always becomes: How do we pay

22 for that out of the Solid Waste Cleanup Program and what

23 are the impacts to the program and then what the impacts

24 to the rest of the Board's operating budget?

25 What you have here is kind of a summary of the

1 Solid Waste Disposal Trust Fund status. And I always
2 start this conversation off with: This is the status of
3 the trust fund as we know it right now. The trust fund is
4 very dynamic. Obviously the funds appropriated by the
5 Legislature are put into it every fiscal year. Cost
6 recoveries that we receive as part of enforcement actions
7 under the program are put into the trust fund. Unused
8 contract dollars that remain in contracts when the
9 contracts expire also are put in to the trust fund. And
10 then we use what we call the unreserved balance to fund
11 our grants and our contracts for Board-managed cleanups.

12 So if I go down this slide, you can see as of
13 April 30th, our unreserved balance was roughly \$6.1
14 million. What was not reflected in that balance -- and
15 what I've shown here is our Fiscal Year 2006-2007
16 appropriation of \$4.75 million. And you may ask yourself,
17 why isn't it 5 million, because that's what the
18 Legislature appropriated for the program.

19 What that number reflects: There's 5 percent
20 that is authorized to be used for the administration of
21 the program. So \$250,000 of that 5 million is used for
22 the administration of the program. And so we always say
23 there's 4.75 million available for projects under the
24 program.

25 If we total those up, the balance available for

1 this fiscal year would be \$10.849 million. And that's the
2 money that we say is available for new contracts, for new
3 grants, for new loans if there are any. And that's what
4 we operate out of.

5 In considering this item this morning, if you
6 looked at -- if you asked me, "What are going to be the
7 impacts to the trust?", I would say that the amount for
8 the Fillmore City Grant, \$600,000, would be removed from
9 the unreserved balance, leaving 10. -- roughly 10,249,000
10 available the remainder of the fiscal year. Now, you may
11 say, "Well, Wes, you just indicated there were four
12 Board-managed projects for \$1.2 million. How are those
13 going to be funded?"

14 So, Scott, if you would move to the next slide.

15 --o0o--

16 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
17 MINDERMAN: What this slide indicates is our current
18 environmental service or what we call remediation
19 contracts in the program status. These contracts were
20 awarded by the Board -- or approved by the Board in March.
21 They have \$1.5 million initially allocated to them. And
22 so that money was already removed from the unreserved
23 balance of the trust fund. And so therefore any
24 Board-managed projects that the Board approves come off
25 the already encumbered contract dollars.

1 And this is how it would break down: Our
2 southern California contract is with Recon Construction.
3 So the two projects that we have in southern California
4 are reflected there, which would leave roughly 1.1 or \$1.2
5 million available in that contract for future
6 Board-managed projects.

7 There are two projects -- Board-managed projects
8 that are proposed for northern California. And you can
9 see we have about \$1.3 million available in that contract.
10 Subtracting those out would leave about \$400,000 in those
11 contracts for future dollars.

12 The only thing I would add to the two slides that
13 isn't indicated up there right now is: When we had those
14 contracts approved by the Board in March, we had proposed
15 that for this fiscal year, '06-'07, that there would be a
16 \$1.75 million allocation to those contracts, which, since
17 there's two contracts, that would be \$3.5 million that
18 would be removed from the trust fund and put into those
19 contracts. We have not done that yet. We will probably
20 be moving to do that very soon because we anticipate the
21 need for Board-managed projects is going to continue.

22 We also have an engineering services contract,
23 which we don't use for remediations but we use for other
24 support activities, which currently has about half a
25 million dollars in it. And that's not reflected in this

1 slide either. Because typically on the Board-managed
2 projects we use those two contracts, and the money for
3 those projects is taken out of those already-encumbered
4 contract dollars.

5 So that's kind of how the funding breaks down for
6 this agenda item.

7 I'd be happy to answer any questions that you
8 have regarding funding.

9 COMMITTEE MEMBER PEACE: Thank you for that
10 presentation, because I was -- when I was reading the item
11 I was just wondering -- okay, the \$1.2 million I knew was
12 coming out of like environmental services contracts, but I
13 couldn't remember how much was left in those contracts and
14 where we stood. So this cleared it up. So thank you very
15 much.

16 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
17 MINDERMAN: Oh, you're welcome.

18 COMMITTEE MEMBER PEACE: And if you could, put
19 some of that information in the agenda items in the
20 future. I know that would help me.

21 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
22 MINDERMAN: That's right. As Howard and Scott indicated,
23 we'll be working with the Admin Division, specifically the
24 Budgets Office and the Contracts Office to make sure that
25 information is clearly presented at any future items for

1 your consideration.

2 COMMITTEE MEMBER PEACE: Okay. Thank you.

3 CHAIRPERSON MULÉ: Thank you, Wes.

4 And before we move forward, I would like to have
5 the record reflect that Board Member Wiggins has joined
6 us.

7 COMMITTEE MEMBER WIGGINS: Thank you.

8 CHAIRPERSON MULÉ: And I suppose your ex partes
9 are up to date?

10 COMMITTEE MEMBER WIGGINS: I'm assuming they are,
11 because I came right here.

12 CHAIRPERSON MULÉ: Okay. That's fine. Good.

13 Okay. Let's continue. Thank you.

14 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

15 BRANCH MANAGER WALKER: Thank you. Scott Walker again.

16 Now what we're going to do is I'm going to go
17 over the two tribal land sites, just a little more
18 background. We haven't had tribal sites for a while. And
19 then I'll hand off to Mustafe Butan on the remaining three
20 sites.

21 The tribal lands right now are the focus of some
22 recent outreach on the part of the program, essentially
23 partnership with tribes and other agencies addressing
24 problems of illegal dumping. And it's particularly in
25 southern California right now. This is a core issue now

1 in southern Riverside County, Coachella Valley, and
2 California-Mexico border zone. And so we've spending a
3 lot more time on that. And we have two projects here
4 today that are the initial fruits of the outreach.

5 We're also very privileged today in having
6 representatives for the two projects for tribal lands,
7 from the Torres Martinez Cahuilla Desert Indians, the
8 Campo Band of Kumeyaay Indians. Also Indian Health
9 Services and U.S. EPA. We also have representatives for
10 the City of Fillmore matching grant and the Ruth site in
11 Del Norte County.

12 --o0o--

13 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE
14 BRANCH MANAGER WALKER: With respect to the Solid Waste
15 Cleanup Program and tribal lands, it's very important to
16 understand the nature of tribal governments. And tribal
17 governments, they're sovereign entities with primary
18 authority and responsibility for the reservation populous
19 and lands. Tribal governments are also the primary
20 parties for setting standards, environmental policy
21 decisions and managing tribal programs.

22 It's also important to understand that the Bureau
23 of Indian Affairs is the agency responsible for
24 administration and management of tribal lands, which are
25 held in trust by the U.S. Government.

1 And other agencies that are really crucial is the
2 Indian Health Services, which deals with public health and
3 health care and public health aspects, and also the U.S.
4 Environmental Protection Agency.

5 --o0o--

6 REMEDICATION, CLOSURE & TECHNICAL ASSISTANCE
7 BRANCH MANAGER WALKER: There's some common themes of
8 solid waste issues on tribal lands in California. The
9 tribal lands have been subject to historic legacy
10 dumpsites and illegal dumping from sources outside and
11 within tribal lands, although they are particularly
12 affected by the encroaching development and some of the
13 illegal dumping as a result from outside the tribal lands,
14 especially in Coachella Valley and the California-Mexico
15 border zone.

16 These are remote locations, typically rural
17 settings. There's been a historic lack of services
18 funding and solid waste infrastructure.

19 And also the threats to public health and safety
20 and the environment. They affect not just the tribe but
21 also the surrounding community. Indian Health Services
22 and U.S. EPA has a program whereby they review all open
23 dumping sites on tribal lands and they assess the health
24 impacts. And you probably -- you might have heard
25 articles in the southern Coachella Valley on Torres

1 Martinez Reservation. These sites frequently are set on
2 fire and they cause a substantial public health problem
3 for the community, not just the tribe's residents but also
4 outside the tribe.

5 The other factor, solid waste issue, is that
6 there's a complex tribal and federal, state, local -- and
7 local government structures and coordinations based on the
8 jurisdiction. And at best, with local government and the
9 state, it's difficult as it is. But when you put the
10 federal government and the tribal government, it makes it
11 very challenging.

12 And then finally, solid waste and tribal issues
13 have been a major factor and issue with respect to
14 environmental justice.

15 --o0o--

16 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

17 BRANCH MANAGER WALKER: The Solid Waste Cleanup Program
18 has an approach which we utilize with working with tribes
19 and agencies that we basically are working in partnership
20 with them. We work on a carefully phased way step by step
21 on the priority problems. And then we also focus on
22 building on past successes and continue in positive
23 directions established by tribes. This cannot -- we
24 cannot help without the positive development of tribes and
25 solid waste management. We're seeing that in the state.

1 We're seeing some further along than others. But this is
2 clearly something that we latch on to in terms of our
3 approach to assist on tribal lands.

4 --o0o--

5 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

6 BRANCH MANAGER WALKER: I'm not going to get in too much
7 detail. But the Board has done some major projects on
8 tribal lands, Board-managed primarily. We've had one
9 grant. Mainly northern California. And as -- again,
10 we've been focusing more on southern California now. But
11 we have done some pretty substantial projects.

12 --o0o--

13 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

14 BRANCH MANAGER WALKER: The Torres Martinez Reservation,
15 the first site, the Tayawa illegal disposal site. The
16 Torres Martinez Reservation is the focus of a really
17 active action plan and coordination by U.S. EPA to focus
18 on the issues. The reservation is a patchwork of lands
19 mixed in with this encroaching development from southern
20 Coachella Valley. So they're particularly prone to being
21 impacted by illegal dumping. And this is really kind of
22 the front line right now in southern Riverside County of
23 this whole problem. And so U.S. EPA has taken on this
24 coordination role. The Board is a partner, and numerous
25 agencies, locals involved.

1 And the action plan, essentially there are 16
2 major open dumpsites that have been identified, two of
3 which the Board has been asked to help them on this year.
4 First one, Tayawa. We have the Ibanez, which is also
5 called Mt. San Diego, which we are working on. And we may
6 be able to bring that to the Board for consideration in
7 November.

8 And there are other sites -- open dumpsites in
9 various stages. Some of them are continuing to be active.
10 And we are working with those agencies to shut those down
11 and to deal with some of the cleanup challenges on these
12 sites.

13 The action plan -- so it has a component of
14 cleanup, which clearly ties in. Access control.
15 Infrastructure development too is a major factor in this
16 action plan, advancing the tribe's infrastructure for
17 managing their solid waste. And also the tribal
18 governance to prevent some of these environmental
19 problems.

20 Public education and outreach is a major
21 component, as is monitoring, surveillance and enforcement.
22 The coordination role of U.S. EPA is very helpful in
23 pulling everybody together, including the tribe. And it
24 really is positive that the tribe is incredibly supportive
25 of this. And they are clearly the key to making this

1 work. And they've been really making some strides in this
2 area.

3 --o0o--

4 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

5 BRANCH MANAGER WALKER: The Tayawa illegal disposal
6 site -- again our recommendation on this site would be a
7 Board-managed. The estimated cost is \$190,000. The fund
8 source would be the existing re-con, remediation contract.
9 And with respect to cost recovery, the tribe --
10 essentially we cannot identify the perpetrators of the
11 dumping. I think it's pretty clear to us that the
12 majority of it comes from outside the tribe. Although,
13 you know, we can't rule out some tribal members also
14 contributing.

15 But under the conditions of the tribal ownership,
16 it meets all the conditions that we would normally waive
17 cost recovery for local governments. The tribe's not
18 contributed to the problem. They're working to fix it.
19 He can't identify the responsible parties. And so,
20 although it's not applicable, it does meet the waiver
21 conditions that we apply to local government.

22 --o0o--

23 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

24 BRANCH MANAGER WALKER: The project. Essentially the
25 site -- it's located near some agricultural production

1 areas essentially. And so what we've seen is illegal
2 dumping that's progressed. And this is a tremendous
3 attractive nuisance on this site. And that's why at this
4 point we feel it's appropriate for cleanup.

5 The addition is that we wouldn't bring a site
6 before you unless we felt comfortable that we're -- we had
7 that prevention aspect well covered. We can't say with a
8 hundred percent certainty it will not reoccur, but we can
9 say that this site is amenable to a berm to further
10 prevent trucks from backing up on the site. Coupled with
11 signage and increased monitoring and surveillance, we
12 think it's ripe now to clean up.

13 This site also has a large amount of treated wood
14 waste, grape stakes. And these are generated from
15 surrounding farms. They're converting to metal stakes
16 now. They're illegally dumped. And these things when
17 they get caught -- catch on fire, they have not just a
18 smoke hazard but a toxic hazard from the copper, chromium
19 and arsenic.

20 Other aspects of it. U.S. EPA has issued notices
21 to surrounding landowners concerning the illegal dumping,
22 putting everybody on notice, and also essentially seeking
23 their involvement in preventing this from occurring. And
24 also the tribe conducting enhanced surveillance and
25 monitoring of the site.

1 --o0o--

2 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

3 BRANCH MANAGER WALKER: The second project we have is --
4 addresses illegal dumping sites -- two sites on the Campo
5 Tribal Land. Essentially what we have here is Indian
6 Health Services has what's called a memorandum of
7 agreement with the tribe and it provides funding
8 assistance for their environmental programs, including
9 picking up nuisance dumping sites.

10 These two sites are beyond the ability of that
11 agreement to cover. And so in furthering the tribe's
12 environmental progress along with Indian Health Services,
13 Indian Health Services and the tribe have asked us to
14 assist them on these sites. And we feel that this will
15 help, you know, further this positive direction in solid
16 waste management. And it also brings the Board in as a
17 partner. This tribe -- the Campo Tribe is affected --
18 they affected also by the cross-border illegal immigrant
19 situation and the dumping problem. So they have a really
20 good effort right now in the nuisance dumping. And these
21 sites will help them -- us cleaning up these sites will
22 help them, you know, expand that and further their
23 efforts.

24 Essentially this site, the estimated cost is
25 \$150,000. In a similar removal, we would remove the solid

1 waste, household hazardous waste, recycle it to the extent
2 that we can to properly dispose of the residual materials.
3 We also involve site security measures, gates, fence
4 berms. And also we have a component of natural
5 revegetation -- revegetation with natural occurring seed
6 mixes on the site.

7 And, again, as with Torres Martinez, the cost
8 recovery's not applicable to this site.

9 --o0o--

10 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

11 BRANCH MANAGER WALKER: A couple things about the site to
12 keep in mind. The sites are located along a major
13 transportation corridor, Interstate 8 and Highway 94. So
14 it runs through the reservation lands.

15 And, again, this site, there is clear evidence of
16 substantial waste from coming outside, given the
17 transportation corridor and the attractive nuisance.

18 So with that, I'd like to hand off now to our --
19 one of our new employees in the program. I know you're
20 probably tired of seeing West and me all the time, and so
21 we're bringing in our new talented folks.

22 And Mustafe Butan will present the remaining
23 three sites.

24 MR. BUTAN: Thank you, Scott.

25 Good morning, Madam Chair and Committee members.

1 My name is Mustafe Butan. And I will present Item B,
2 attachments 3, 4, 5 for Del Norte County illegal disposal
3 sites, Hamilton illegal disposal site, and Fillmore
4 City/County 1972 Closed landfill Bank Protection.

5 The Del Norte County illegal disposal sites
6 consist of three unpermitted junkyards. Two of the
7 junkyards are on adjacent lots in Carson City and are
8 owned by Mr. Roy Ruth and Mr. Douglas Anderson. The other
9 junkyard is located in Gasquet and is owned by Mr. Dan
10 Ruth.

11 Next slide please.

12 --o0o--

13 MR. BUTAN: The junkyards contain dismantled and
14 inoperative vehicles, rusted heavy equipments, hundreds of
15 tires, lead acid batteries, mobile homes --

16 Next slide.

17 --o0o--

18 MR. BUTAN: -- wooden structures, household
19 appliance, propane tanks, water heaters, a number of
20 unknown and bulging drums, and a stockpile of trash.

21 Criminal complaints were filed against the owners
22 by the County of Del Norte District Attorney's Office.
23 And Roy Ruth and Dan Ruth pled no contest to all charges.
24 Mr. Douglas Anderson pled not guilty and was convicted of
25 all charges on March 29th, 2006.

1 Roy Ruth agreed to cooperate with the state to
2 clean up his property. And Mr. Dan Ruth and Mr. Douglas
3 Anderson will be sentenced on September 15, 2006.

4 The Del Norte County Superior Court has ordered
5 Mr. Dan Ruth and Mr. Douglas Anderson to clean up their
6 properties by sentencing day.

7 However, neither of the defendants has the
8 ability, the desire, and/or the financial resources to
9 clean up their sites. Recent site visits by staff from
10 the Del Norte County Office of Code Enforcement showed
11 that it's unlikely the owners would clean up their sites
12 by the sentencing date.

13 Board approval of this item would provide
14 additional leverage to the D.A. during sentencing in
15 obtaining site access.

16 The proposed cleanup -- the proposed cleanup of
17 the sites is to have the Board contracted. We could move
18 all the solid waste and any hazardous waste to appropriate
19 facilities. Inoperative vehicles would be removed through
20 the Del Norte County Vehicle Abatement Program. Metal
21 debris, appliances and tires would be separated and hauled
22 to appropriate recycling facilities.

23 The total cleanup costs of all the three sites
24 estimated to be about half a million dollars.

25 The staff recommend cost recovery of funds

1 expended from the Solid Waste Cleanup Trust Fund.

2 Next slide.

3 --o0o--

4 MR. BUTAN: The next project I'll present today
5 is the Hamilton illegal disposal site. The Hamilton
6 illegal disposal site is owned by Mr. John Hamilton and
7 Ms. Glenda Hamilton and is located to an unnamed creek and
8 it's located near Sonora, California.

9 The site contains an estimated 4,000 to 6,000
10 cubic yards of construction debris, garbage, household
11 appliances, tires, concrete, asphalt, green waste and
12 possibly some hazardous waste.

13 In March 2004, the Central Valley Regional Water
14 Quality Control Board issued a cleanup and abatement
15 order, which required the owners of the site to stabilize
16 the site and submit a corrective action and water quality
17 monitoring plans in March 2004, to complete all required
18 tasks in the corrective action plan and to have all waste
19 removed from the site by 2004, and submit a final report
20 describing the completed cleanup and restoration work by
21 July 15th, 2004.

22 In August 2004 Mr. Hamilton pled guilty to four
23 counts of violation of the California Fish and Game Code
24 and was sentenced to three years of probation and required
25 to satisfy all the requirements of the Regional Water

1 Quality Control Board and the Department of Fish and Game
2 notice and order.

3 In June 2006 Mr. Hamilton and Ms. Hamilton and
4 the D.A. enter into an agreement for resolution of the
5 probation violation, whereby the parties agreed that if
6 Mr. Hamilton failed to commence the required remediation
7 by July 10th, 2006, and/or complete the remediation by
8 October 15, 2006, the parties acknowledge that Mr.
9 Hamilton does not have the ability or the willingness to
10 complete the cleanup.

11 As of July 11, 2006, Mr. Hamilton hadn't began
12 the required cleanup of the site, and there was no
13 indication of when he would be starting.

14 The proposed cleanup of the site is that the
15 Board contractor remove all the illegal disposed solid
16 waste from the subject property and will restore the site
17 in accordance with the requirements of the regulatory
18 agencies.

19 The total cleanup of the site is estimated to be
20 about \$360,000. The staff recommend cost recovery of
21 funds expended from the Solid Waste Cleanup Trust Fund.

22 Next slide.

23 --o0o--

24 MR. BUTAN: The third and the last project I'll
25 present is the Fillmore City/County 1972 Closed Landfill

1 Bank Protection Matching Grant.

2 The City of Fillmore has requested that the Board
3 provide funding for the construction of a bank protection
4 of the Fillmore City/County 1972 closed landfill. The
5 landfill is owned by city and it's located on the south
6 bank of the Santa Clara River.

7 The City and the County of Ventura jointly used
8 the landfill from the late 1940s to 1972 for disposal of
9 municipal solid waste.

10 The landfill was closed in 1978, prior to the
11 regulation that required the solid waste disposal site
12 owners and operators to establish closure and post-closure
13 maintenance funding mechanism.

14 Winter of 2004-05 during heavy rains the landfill
15 was damaged and portions of the landfill was exposed. The
16 city has requested a matching grant to repair the landfill
17 site and to protect it from further erosion by the Santa
18 Clara River. The city will utilize the grant funds to
19 construct a soil cement bank protection to protect the
20 landfill from further erosion.

21 The construction of the bank protection will
22 bring the site in compliance with the state minimum
23 standards.

24 The total project cost is estimated to be \$1.3
25 million. The city has requested that the Board provide a

1 funding of up to \$600,000 for the construction of the bank
2 protection. To fund the remaining cost of the project,
3 the city has obtained approximately \$700,000 from FEMA and
4 Office of Emergency Services.

5 The grant application was submitted after the
6 deadline for the last fiscal year, 2005-06, grant cycle.
7 But because of the urgency of the project and the desire
8 by the city to complete the necessary landfill repairs
9 prior to the rainy season, the application was accepted
10 prior to the first grant cycle deadline to ensure that the
11 funding will be available for the expedited construction
12 schedule.

13 This concludes my presentation for the three
14 projects. And I'll transfer to Scott.

15 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

16 BRANCH MANAGER WALKER: Thanks.

17 --o0o--

18 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

19 BRANCH MANAGER WALKER: I'll just close it off basically
20 by stating that staff recommend the Board approve the
21 proposed grant and Board-managed projects and adopt
22 Resolution 2006-135.

23 And staff are available to answer questions.

24 CHAIRPERSON MULÉ: Thank you, Scott.

25 I know we have some questions. But I would like

1 to take the speakers first, if that's okay. We do have
2 six speakers.

3 And also I just want to make sure that we enter
4 into the record -- we just received a letter, it's
5 actually addressed to Board Chair Brown, from Joe Loya
6 from the Torres Martinez Desert Indian Tribe. So we have
7 that in the record.

8 Okay. Our first speaker is Clancy Tenley.

9 MR. TENLEY: Good morning. And thank you, Madam
10 Chair and members of the Committee. My name is Clancy
11 Tenley. I'm manager of the Tribal Program in U.S. EPA
12 Region 9 in San Francisco.

13 And I'd like to start by thanking you for your
14 efforts to reach out to tribes in California and to offer
15 assistance in tribal solid waste management.

16 I'm familiar with your efforts in northern
17 California of the past, and I know that the tribes in
18 northern California have been very appreciative, and as
19 has EPA.

20 EPA Region 9 works with about 90 tribes in
21 California right now. And we provide financial and
22 technical assistance to those tribes to build
23 environmental management programs and solid waste
24 management programs. And many of the tribes in California
25 have been quite successful in environmental programs and

1 in solid waste programs.

2 We currently work with both the Campo Tribe and
3 the Torres Martinez Tribe. And both of those tribes have
4 utilized the EPA funding to provide -- to pass no-dumping
5 ordinances, to conduct outreach both on and off the
6 reservation, to clean up dumps, and to reduce the impacts
7 of open dumping. And we think that those efforts are
8 gaining progress.

9 We are very excited about the current projects
10 for both of those tribes. And as Scott said, we have an
11 active partnership with both tribes to help reduce
12 dumping. And we have outreach campaign coming up with
13 Riverside County and Torres Martinez Tribe to further step
14 up those efforts there.

15 So I think that both projects are good projects.
16 And I think that the efforts of the California Integrated
17 Waste Management Board to partner with the tribes, with
18 the EPA, the Bureau of Indian Affairs, the Indian Health
19 Service and the counties and others, I think that together
20 we're going to make a real difference in those areas.

21 And again I'd like to thank you and your staff
22 for reaching out to tribes and being partners with us in
23 this effort.

24 Thank you.

25 CHAIRPERSON MULE: Thank you. And thank you to

1 the U.S. EPA for all of your efforts.

2 Okay. Our next speaker is Gerardo Boroquez.

3 MR. BOROQUEZ: Yes.

4 CHAIRPERSON MULÉ: I hope I pronounced that
5 correctly. I'm sorry if I didn't.

6 MR. BOROQUEZ: Yes. Good morning.

7 CHAIRPERSON MULÉ: Good morning.

8 MR. BOROQUEZ: And I'm representing the tribe.

9 And I just -- the letter that Mr. Joe Loya, the
10 Tribal Resource Manager, send to the California Integrated
11 Waste Management Board. And the tribe is aggressively
12 working to educate the public, local municipalities, state
13 and federal agencies about illegal dumping activities
14 occurring on the reservation, and that the tribe does not
15 operate nor has it permitted any dumping facilities within
16 the reservation.

17 We encourage your support today by voting just to
18 assist the tribe to clean up site for illegal dumping one
19 at a time.

20 We're working very hard and we have -- still have
21 a lot of places. And we started already the cleanup
22 actions. And thanks for your support for this Tayawa
23 planned project.

24 Thank you very much.

25 CHAIRPERSON MULÉ: Thank you for being here

1 today. And thank you for making the trip.

2 Our next speaker is David Mason.

3 Good morning.

4 MR. MASON: Good morning. Thank you, Madam

5 Chair, members of the Board. David Mason, Code

6 Enforcement Officer for Del Norte County, representing Del

7 Norte County.

8 I just want to thank the Board for their

9 consideration in this matter. The county is committed to

10 cleaning up these dumpsites, and desperately needs the

11 State's help in this matter.

12 And I'm available to answer any questions should

13 the Board have any.

14 CHAIRPERSON MULÉ: Thank you.

15 Our next speakers -- there's two of them -- Burt

16 Raff and Bill Bartels.

17 Good morning.

18 MR. BARTELS: Good morning, Madam Chair, members.

19 I'm Bill Bartels, Resource Manager for the City of

20 Fillmore. And I just want to express appreciation to both

21 Mr. Mindermann and Mr. Butan.

22 The purpose of our request is to delineate this

23 closed landfill. It has a relationship with the Santa

24 Clara River that is, at best, adversarial. And it is our

25 hope to -- by creating bank protection that is not just

1 riprap but a soil/cement levee, to maintain it in its
2 integrity so that we can then explore the possibilities of
3 actually clean closing it in the coming years. And we are
4 actively working with FEMA to bring that project to
5 fruition. But we have to do step one before we get to
6 step two.

7 Burt Raff, the Public Works Director, is also
8 here and to answer any questions if you have may.

9 MR. RAFF: Yes, I really appreciate you letting
10 us come out of the normal grant process, because we really
11 want to get this bank protection installed before the next
12 rainy season, and that would be very important.

13 Thank you.

14 CHAIRPERSON MULE: Thank you for being here
15 today.

16 Our next speaker is Robert Newsad.

17 MR. NEWSAD: Hello. I'm Robert Newsad with the
18 Indian Health Service. And I'd like to thank you for all
19 your help in the past. And not only with the monetary
20 means, but I'd like to also thank Mr. Mindermann for his
21 staff and their technical assistance that they've given us
22 over the years in assisting tribes.

23 And I'd also like to point out that this photo up
24 on the screen right now is from the Weitchpec dump that
25 was cleaned up in 1995. And even today this is a

1 beautiful grassy slope with native grasses.

2 Thank you.

3 CHAIRPERSON MULÉ: Thank you for being here.

4 Our last speaker is Michael Connolly.

5 Good morning.

6 MR. CONNOLLY: Thank you, Madam Chair and Board
7 members. It's a pleasure to be here today. I'm a
8 councilman with the Campo Kumeyaay Nation. And I serve as
9 the tribal treasurer. And I'm speaking on behalf of the
10 Campo project.

11 In 1993, we did an open-dump cleanup on the
12 reservation and removed the largest open dump that we had.
13 We put in over \$250,000 of financing in combination of
14 tribal funds and federal funds to clean that up. And also
15 over the course of the next year to eliminate all of the
16 open dumps in the entire 25 square miles of the
17 reservation. So we were completely clean in '93.

18 We also started a weekly trash collection service
19 for all the tribal members. We started white goods
20 collection, we started junk car removal, all of those
21 programs.

22 And after 1995 when San Diego County privatized
23 the waste system, we started seeing a huge increase in the
24 amount of roadside dumping that was occurring in the rural
25 areas, primarily because it was no longer free to go to

1 the local transfer station and drop off your trash.

2 So over the years we've gone back and we've tried
3 to increase our O&M budget to keep down the open dumping.
4 And it's been difficult. And we've had some sites that
5 have turned into magnets for a great deal of
6 off-reservation waste.

7 The information that we've been able to collect
8 from the sites shows that in every case where we have been
9 able to identify any names and addresses, it's been
10 off-reservation dumpers. Of course they swear up and down
11 that it wasn't -- that they didn't dump it, that
12 somebody -- well, they don't know how it got there.
13 Somebody stole it from the transfer station or something
14 that they're -- they have absolutely no idea at all how it
15 got there.

16 We're trying to work with the County Department
17 of Environmental Health. At one time we had a program
18 with them where when we supplied names and addresses, they
19 would send a warning letter out under county letterhead,
20 which was pretty effective I think in getting people to at
21 least stop the repeat dumping that was occurring.

22 We've gone back to the tribe for additional
23 funding. And we have increased our line item for the
24 Campo EPA to do the O&M for this type of problem and we've
25 increased the line item to 40,000 a year as a portion of

1 the Campo EPA budget. And we're -- but, you know, the way
2 the conditions are, we're asking for your assistance so
3 that we can take care of the problem right now and get
4 these large sites cleaned up. And we believe that with
5 our increase in budget, that we'll be able to maintain the
6 state once we get these back out of the way.

7 And we also have extended -- as a part of this
8 program that we're currently doing, which is, you know,
9 combination of federal funds, tribal funds and then
10 hopefully state funds, we also have extended it to at
11 least one property owner next to the reservation
12 that -- to assist him in some -- there's some white goods
13 and junk cars and stuff that are just off the reservation.
14 And we're seeing if they want to participate. And we'll
15 include them in it too. So this will go beyond the
16 borders of the reservation.

17 Okay. Thank you.

18 CHAIRPERSON MULÉ: Thank you very much. Thank
19 you for making the trip here to Sacramento.

20 Okay. Questions?

21 Board Member Wiggins.

22 COMMITTEE MEMBER WIGGINS: Yeah. I have a
23 question regarding -- if there's a lien on the Del Norte
24 property, would that cover \$500,000.

25 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

1 BRANCH MANAGER WALKER: The lien would -- again, if Steve
2 Levine would like to chime in here. But the lien would
3 basically cover all cleanup costs should the Board incur
4 them.

5 STAFF COUNSEL LEVINE: Yes, if I may. This is
6 Steven Levine from the Legal Office.

7 Yeah, it would depend obviously on the fair
8 market value of the property, which will obviously be
9 enhanced by the cleanup. And that is one of the primary
10 considerations when we place liens, is that we want to
11 make sure if and when the property is sold any additional
12 value as well as all value for the property goes to the
13 state to reimburse it for its costs and to prevent unjust
14 enrichment.

15 The other factor -- aspect of cost recovery we
16 always consider is a Superior Court action for cost
17 recovery.

18 Since we've had the statutory lien we've always
19 been assured at the very least that we will get the fair
20 market value of the property. And that gives us a little
21 more ability to consider, you know, cost benefit
22 considerations for pursuing it more vigorously. If the --
23 and I have not looked into the -- we are reserving our
24 rights to pursue Superior Court cost recovery in addition
25 to the lien in this matter. But what we'll be looking at

1 to make a final determination is really the cost benefit
2 analysis. If there's really not substantial assets
3 outside the value of the property with this property
4 owner, it may not be in the state's interest to retain the
5 Attorney General and its expense to secure a judgment that
6 may not be recovered in a substantially significant
7 amount. But in any event, we will have the statutory
8 lien.

9 COMMITTEE MEMBER WIGGINS: All right.

10 COMMITTEE MEMBER PEACE: But do we have any idea
11 at all how much the property's worth?

12 STAFF COUNSEL LEVINE: I personally have not
13 looked into that yet since -- these are the considerations
14 we will make when we determine how far to go with cost
15 recovery.

16 CHAIRPERSON MULÉ: Okay. Do we have any other
17 questions on this item?

18 Board Member Peace.

19 COMMITTEE MEMBER PEACE: On the two Board-managed
20 cleanups for the tribal lands, Clancy from the U.S. EPA
21 Region 9 mentioned that they're going to -- they're in
22 partnership with no-dumping ordinances and outreach and
23 different programs. But has the U.S. EPA put any funds
24 into this particular cleanup?

25 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

1 BRANCH MANAGER WALKER: Indirectly U.S. EPA is spending
2 resources. And I probably would defer to Clancy.

3 But directly in terms of the project, no. But
4 indirectly through a lot of the other funding and outreach
5 activities that they're doing, which also play into the
6 surveillance, monitoring and prevention activity that
7 would help with this site.

8 MR. TENLEY: I can also address that question if
9 you'd like.

10 COMMITTEE MEMBER PEACE: Okay.

11 MR. TENLEY: For the Torres Martinez Reservation,
12 all of the agencies have come together and developed a
13 funding plan for 16 dumps on the reservation. U.S. EPA's
14 providing about a hundred thousand dollars for dump
15 closures. Two of those dumps are in the process of being
16 closed right now. Bureau of Indian Affairs is providing
17 \$135,000 for closing additional dumps. So we are
18 providing dumps.

19 We provide roughly a million dollars for dump
20 closures and other solid waste work within California,
21 Arizona and Nevada on tribal lands each year.

22 COMMITTEE MEMBER PEACE: Okay. Thank you.

23 CHAIRPERSON MULÉ: Any other questions?

24 Okay. Go ahead, Board Member Peace.

25 COMMITTEE MEMBER PEACE: There's quite a few

1 items here.

2 Okay. The other two questions I had on the other
3 ones that we're going to get cost recovery on were: How
4 much was the property worth? And you already answered
5 that question.

6 My question then -- the next one is for Fillmore
7 City, for this closed landfill. It says the landfill was
8 closed prior to 1998 before the regulations that required
9 owners and operators to establish closure and post-closure
10 maintenance funding mechanisms.

11 How many of these types of closed landfills are
12 there in the state?

13 REMEDICATION, CLOSURE & TECHNICAL ASSISTANCE

14 BRANCH MANAGER WALKER: We have approximately between a
15 thousand and 1500 listed. There's probably -- I'd say,
16 about 1200 are actually these older closed landfills.

17 COMMITTEE MEMBER PEACE: Twelve hundred?

18 REMEDICATION, CLOSURE & TECHNICAL ASSISTANCE

19 BRANCH MANAGER WALKER: Yes.

20 COMMITTEE MEMBER PEACE: So if all of them had a
21 problem, there's no way the Board could pay for all their
22 problems, right?

23 REMEDICATION, CLOSURE & TECHNICAL ASSISTANCE

24 BRANCH MANAGER WALKER: Well, by and large -- fortunately
25 many of these sites are extremely small and are being

1 remediated in the context of like brownfields projects and
2 being taken care of by the owner of the site.

3 We do go through all our sites and we with LEAs
4 are required to inspect and we're required to prioritize
5 and investigate. And we have -- really we're -- we've got
6 a pretty good handle right now on which sites have
7 problems that we know are vulnerable. And it's really a
8 fraction. There's probably about, you know, approximately
9 75 sites that we're looking at, investigating further.

10 But by and large, you know, short of a, you know,
11 weather disaster and other disaster, I think we're in
12 reasonably good shape. But still problems happen. These
13 sites pop up. And in cases where we don't have a
14 responsible party, or they're unable or unwilling to clean
15 up the site, then our backup on that is the cleanup
16 program.

17 So --

18 COMMITTEE MEMBER PEACE: Well, it was owned and
19 operated though by the city and the county. So it really
20 is their responsibility.

21 REMEDICATION, CLOSURE & TECHNICAL ASSISTANCE

22 BRANCH MANAGER WALKER: Yes, they are the responsible
23 party for the site. They are under program criteria.
24 They do -- on these older sites, potentially eligible for
25 matching grants to assist them if they need funding and

1 can demonstrate that to the Board.

2 COMMITTEE MEMBER PEACE: Okay. So also mentioned
3 that the site was closed in 1972. So that 34 years ago.
4 So with the regulations we have now that only requires
5 funding mechanisms for up to 30 years, this wouldn't even
6 apply anyway, because it could be possible they wouldn't
7 have a funding mechanism anyway even under current
8 regulations.

9 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

10 BRANCH MANAGER WALKER: Right. Although I would add
11 though that this site would not -- it would not meet
12 siting criteria under the requirements in place under
13 Subtitle D because it's so close to the Santa Clara River.

14 But, yeah, that -- it's over 30 years. And so
15 certainly -- here's an example of potential needs for
16 cleanup or remediation well beyond 30 years from the site
17 closing.

18 COMMITTEE MEMBER PEACE: So that's exactly why we
19 do need to bring those regulations forward to require
20 funding mechanisms past the 30 years. And I know it's
21 going to -- plus also funding mechanisms, whether it's a
22 pooled fund or something for catastrophic floods and
23 earthquakes that could happen to landfills in the future.

24 And I just want everybody to remember this,
25 because we're going to get a fight from industry on this.

1 But I really think this is really important that we go
2 forward and we do adopt regulations that's going to
3 require landfills and owners and operators to be
4 responsible for it for a lot longer than 30 years.

5 Thank you.

6 CHAIRPERSON MULÉ: Okay. Any other questions?

7 Do I have a motion?

8 COMMITTEE MEMBER WIGGINS: Yes. I'd like to move
9 adoption of Resolution 2006-135.

10 COMMITTEE MEMBER PEACE: Could I also -- I just
11 had kind of a problem with the resolution too, because it
12 didn't have the amounts in the resolution. I was just
13 wondering in the future we could do that. Have the amount
14 for the City of Fillmore for the grant, but then each of
15 the other ones -- you know, I would have preferred it to
16 have each of the sites, like the Tayawa illegal site, a
17 hundred ninety thousand; the Campo Reservation illegal
18 site, a hundred fifty thousand; the Del Norte illegal
19 disposal site -- you know, the amounts for each one of
20 those in there. And then to say, you know, the total
21 amount, 1.2, would be funded out of existing contract.

22 So maybe that's something we could --

23 DEPUTY DIRECTOR LEVENSON: That's something we
24 can work on for subsequent items. For the purposes of
25 this item, we could do that if you so desire. But I just

1 would point out that these are the funds that are under
2 the existing contract --

3 COMMITTEE MEMBER PEACE: Right, right, before --

4 DEPUTY DIRECTOR LEVENSON: -- so you're not
5 actually allocating --

6 COMMITTEE MEMBER PEACE: So you'd have each one
7 of them separate and you'd say --

8 DEPUTY DIRECTOR LEVENSON: -- or approving
9 allocation of additional funds. So we could perhaps put
10 in something that explains --

11 COMMITTEE MEMBER PEACE: Well, figure out how to
12 do it, just so we know how much we're giving to each one
13 in the resolution, if we can figure out a way to do that
14 in the future.

15 With that, I'll second the motion.

16 CHAIRPERSON MULÉ: Okay. We have a motion by
17 Board Member Wiggins, seconded by Board Member Peace.

18 Donnell, please call the roll.

19 SECRETARY DUCLO: Members Peace?

20 COMMITTEE MEMBER PEACE: Aye.

21 SECRETARY DUCLO: Wiggins?

22 COMMITTEE MEMBER WIGGINS: Aye.

23 SECRETARY DUCLO: Chair Mulé?

24 CHAIRPERSON MULÉ: Aye.

25 And we'll put this on fiscal consent to the full

1 Board.

2 DEPUTY DIRECTOR LEVENSON: Madam Chair, if I
3 could just say a couple of things before we move to the
4 next item.

5 CHAIRPERSON MULÉ: Please do.

6 DEPUTY DIRECTOR LEVENSON: First of all, to thank
7 all the representatives who've traveled from north and
8 south parts of the state to come here in support of these
9 items.

10 And I think the range of items you have in this
11 item illustrates the complexity of the sites that we have
12 to deal with, both technically and in terms of
13 coordination with multiple agencies at the local, state
14 and federal level. So there's a lot that goes on behind
15 these projects before they ever get to you in order to
16 have all the i's dotted, t's crossed.

17 Also, I want to point out -- or mention that we
18 do plan to have kind of a verbal presentation in next
19 month's committee meeting on our closed, illegal and
20 abandoned sites program, which does a lot of the leg work
21 on investigating some of these sites that Scott was
22 talking about, the 75 sites that we think are higher
23 priority, of the older kinds of sites and how we go about
24 investigating that at the request of the LEA. And then
25 eventually they work their way through the system and

1 they're ready for, in some cases, for Board cleanup.
2 Other cases they're resolved, you know, at the local level
3 by the responsible parties.

4 So there's a lot there.

5 CHAIRPERSON MULÉ: All right. Thank you, Howard.
6 Appreciate that.

7 Our next item, Committee Item C.

8 DEPUTY DIRECTOR LEVENSON: We now have five
9 permit items. All of these are in pretty good shape. But
10 we do have a few updates on some of the items to provide
11 to you.

12 The first item is Item C, Board Item 17,
13 consideration of a new Full Solid Waste Facilities Permit
14 for the Central Compost site in Sonoma County.

15 And Sue O'Leary -- hi, Sue --

16 PERMITTING & INSPECTION NORTH CENTRAL SECTION

17 SUPERVISOR O'LEARY: Hi.

18 DEPUTY DIRECTOR LEVENSON: -- will be giving this
19 presentation.

20 PERMITTING & INSPECTION NORTH CENTRAL SECTION

21 SUPERVISOR O'LEARY: Good morning.

22 CHAIRPERSON MULÉ: Good morning, Sue.

23 PERMITTING & INSPECTION NORTH CENTRAL SECTION

24 SUPERVISOR O'LEARY: Good morning, Chair Mulé and members
25 of the Committee and Board members.

1 The Central Compost Facility Site is owned and --
2 owned by the County of Sonoma, Department of
3 Transportation and Public Works, and operated by the
4 Sonoma County Waste Management Agency, a joint powers
5 agency. The day-to-day operations are contracted to
6 Sonoma to Sonoma Compost company, a private operator.

7 The Central Compost site is located on the
8 northwest portion of the central disposal site on top of
9 intermediate cover and is an existing green material
10 windrow composting facility that has operated since 1993
11 and has been permitted under a standardized permit since
12 1996.

13 And in addition to green material, a research
14 composting operation of chicken feathers as feed stock is
15 currently reoccurring at the site.

16 After the five-year permit review in June of
17 2005, the operator was directed by the LEA to submit an
18 application for a compostable materials handling facility
19 permit to comply with the Board's compostable materials
20 handling operations and facilities regulatory requirements
21 that were adopted in April of 2003.

22 Dairy operations. The Bloom Ranch and Happy
23 Acres residential development, which has 70 residents, are
24 located within a one-mile radius of the site. The closest
25 individual residence to the site is the Gray residence,

1 and is located on a hill at the north side of the landfill
2 property. The tub grinder is located approximately a
3 thousand feet from the residence and approximately 950
4 feet from the northern property line of the residence.
5 Between the tub grinder and the residence is an
6 intervening ridge line and a large soil berm that aids in
7 attenuating noise.

8 The proposed new permit identifies the following
9 changes -- and there's about seven of them:

10 Increase in daily tonnage from 480 tons per day
11 to 623 tons per day. Increase in design capacity from
12 61,300 cubic yards to 84,750 cubic yards. Increase in
13 annual loading from 86,412 tons to 91,334 tons. Increase
14 in permitted maximum number of vehicles from 202 per day
15 to 206 per day. Increase in hours for the ancillary
16 facility activities from 6:30 a.m. to 5 p.m. to 6:30 a.m.
17 to 5:30 p.m. Increase in hours that the horizontal feed
18 grinder operates from 7 a.m. to 4 p.m. to 7 a.m. to 5:30
19 p.m.

20 An addition of vegetative food material to the
21 compost to include residential vegetative food material;
22 special event vegetative food material, such as from the
23 county fair; and vegetative food material from selected
24 commercial operations.

25 The pre-permit inspection was conducted by staff

1 on July 24th, 2006, and identified no permit or state
2 minimum standards violations.

3 The agenda item that's before you today will be
4 updated this afternoon, prior to the Board meeting of next
5 week.

6 Board staff have reviewed the proposed permit,
7 the supporting documentation, and have determined that all
8 the requirements for the proposed permit have been
9 fulfilled and recommend Board approval of Option 1,
10 concurrence in Permit No. 49-AA-0260 and adoption of
11 Resolution 2006-138.

12 The LEA, Bob Swift, and the operator are present
13 today to answer any questions that you may have.

14 And in addition, it's my understanding that the
15 representative from the Joint Powers Agency as well as the
16 Department of Public Works are here.

17 So this concludes staff's presentation.

18 CHAIRPERSON MULÉ: Thank you, Sue.

19 And thank you all for being here.

20 Any questions?

21 Board Member Peace.

22 COMMITTEE MEMBER PEACE: So did they just add a
23 grinder then to their operations?

24 PERMITTING & INSPECTION NORTH CENTRAL SECTION

25 SUPERVISOR O'LEARY: No, they've had a grinder. They've

1 just increased the hours at the end of the day that
2 they're going to be using the grinder. And they did a
3 noise study that -- because there's a berm between the
4 grinder and the closest residence, that it does not exceed
5 the decibel level of their county noise ordinance. So
6 they're within the decibel range.

7 COMMITTEE MEMBER PEACE: Okay. Well, I'm glad
8 they did have their public outreach meeting. But I do
9 have to say 1:30 in the afternoon isn't exactly convenient
10 for most people.

11 PERMITTING & INSPECTION NORTH CENTRAL SECTION
12 SUPERVISOR O'LEARY: Well, the LEA's here to address that
13 question.

14 CHAIRPERSON MULÉ: Okay. Any other questions?

15 COMMITTEE MEMBER PEACE: No, I was just asking,
16 why did you decide to have the public hearing at 1:30 in
17 the afternoon? It's not exactly convenient for a lot of
18 people.

19 CHAIRPERSON MULÉ: Good morning, Bob.

20 MR. SWIFT: Good morning, Madam Chair and Board
21 members. Bob Swift, Sonoma County LEA.

22 Although the compostable materials handling
23 regulations do not currently require a public hearing, we
24 went above and beyond and we did have a meeting and
25 invited 175 people who are on the mailing list of our

1 waste management agency. And it was a member of -- we
2 held the meeting at our local task force meeting.

3 We also have quarterly meetings for the landfill
4 in which we invite the neighbors in the evenings, so they
5 were well aware of the project. And there was no
6 opposition. No one attended.

7 COMMITTEE MEMBER PEACE: Okay. Thank you.

8 CHAIRPERSON MULÉ: Thank you.

9 Any other questions?

10 COMMITTEE MEMBER WIGGINS: I have a comment.

11 Oh, Bob Swift received an award at the LEA
12 conference for being an outstanding LEA. That's Sonoma
13 County.

14 I just -- the comment about people objecting to
15 the odor of composting, I just have a problem with that,
16 because how are we going to have compost? You know,
17 that's such an, you know, important part of the process of
18 recycling. And so I -- I just think that's a problem.

19 CHAIRPERSON MULÉ: Thank you, Board Member
20 Wiggins.

21 And I was out at this site I think it was just
22 about a year ago. In September we were out at the site,
23 and I didn't see or smell any problems.

24 COMMITTEE MEMBER WIGGINS: I know. Me too.

25 COMMITTEE MEMBER PEACE: They had three years of

1 no violations. That's excellent.

2 CHAIRPERSON MULÉ: Any other questions?

3 Board Member Danzinger.

4 BOARD MEMBER DANZINGER: Yeah, God bless Member

5 Wiggins for her comments a moment ago. Couldn't agree

6 with them more. Thank you very much.

7 My mom lives in Petaluma. I called her about

8 this. She said she's fine with this facility. So when it

9 comes to the full Board next week, I intend to vote for
10 it.

11 (Laughter.)

12 BOARD MEMBER DANZINGER: I had one question.

13 It's not really related to the facility, so don't worry.

14 I'm just -- I'm confused. This comes up from time to time

15 in the EJ section. I can't -- I'm not a number cruncher,

16 but this is now bugging me. I can never reconcile these

17 numbers. So straighten me out if I'm missing something

18 that's obvious.

19 We always have the census tract and it lists the

20 different ethnic groups, okay. And you always have this

21 "some of the race" and "two or more races" that always --

22 you notice that Hispanic and Latino are not listed in the

23 census tract categories. And then you have "some of the

24 race" and "two other races." They're the only other

25 categories. And those combined always come out to less

1 than what the percentage that you identify as Hispanic or
2 Latino. So you notice like you have -- under 3 percent is
3 represented from all other, you know, races. And then you
4 say here of the total population within the census tract,
5 11.7 percent identified themselves as Hispanic or a
6 Latino.

7 Again, if this was the only item that appeared,
8 then I'd just blow it off. But I see this all the time
9 and I can't figure out what does that mean? Because it
10 doesn't -- you know.

11 DEPUTY DIRECTOR LEVENSON: There probably are
12 others who are approaching who can answer this better than
13 I can. But I would just say a couple things, Mr.
14 Danzinger.

15 First of all, this section was inserted into the
16 agenda item template, oh, six, seven years ago at the
17 request of some of the Board members, and specifically
18 wanted information about the portion of Hispanic
19 population in that community.

20 I think the discrepancy -- and perhaps Mark can
21 explaining this more -- is that in some cases, a Hispanic
22 person may identify themselves on a census tract as white
23 or not -- you know, there's not a specific line for the
24 Hispanic --

25 BOARD MEMBER DANZINGER: Okay. I mean is that

1 it? Because that's fine if that's it.

2 CHAIRPERSON MULÉ: And that's the U.S. census
3 tract, correct?

4 BOARD MEMBER DANZINGER: Right.

5 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
6 Mark de Bie with Permitting and Inspection.

7 Staff goes to the U.S. census information and
8 reports how they report the census data. And they break
9 out to cultural aspects separate from the race aspects.
10 So you could have someone identifying themselves as
11 Caucasian but Latino. You could have someone identifying
12 themselves as black and Latino.

13 BOARD MEMBER DANZINGER: So that comes out in
14 another section of the census; it's not reported in the
15 tract?

16 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
17 The U.S. census breaks out that sort of -- and
18 I'll use the term "cultural." I don't know if they use
19 that term, but there's a dif -- it's viewed separately
20 from race.

21 BOARD MEMBER DANZINGER: Okay. And then my
22 second point -- and you started to go there, Howard, with
23 the historical basis for this -- I'm just wondering why we
24 only identify that. I guess we have to because it's not
25 up there. It seemed -- when you do it this way as opposed

1 to the other ethnic groups that are in the box, it's as if
2 we're going out of our way to set aside this particular
3 group. And my view is if you're underrepresented, you're
4 underrepresented, whether you are white, black, you know,
5 Asian, or Latino. So I'm just trying to figure out, if
6 our goal through this EJ review and this section is to
7 identify those groups that may be underrepresented, that
8 may have a rightful beef about something that's going on
9 there, do we still think it's fair to set aside this one
10 particular group? It sort of really stands out, because
11 I'm sure, you know, most people just sort of look beyond
12 the little grid and then they see this here, and it's sort
13 of like -- I don't -- it's a non sequitur to me.

14 DEPUTY DIRECTOR LEVENSON: Well, and I would
15 again reiterate that this was a historical request from
16 the Board, particularly for that information. And I would
17 ask you -- and not to answer necessarily today -- is this
18 information of any use to the Board? There may be better
19 information that we can provide in a different manner and
20 we can explore that, you know --

21 BOARD MEMBER DANZINGER: Yeah, I think that's
22 worth the effort. Because, you know, if -- again, who's
23 underrepresented is the point and that's the objective.
24 And I don't know if just these plain numbers really get us
25 there.

1 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

2 If I may, Howard. Mark de Bie again.

3 There's basically a template that's been
4 established through discussion with the Board that all
5 Board staff go to to develop that. And it includes this
6 section in there. So it's not particular to P&E and
7 permit items. So if this was to be picked up, it would --
8 or should be addressed, you know, throughout all agenda
9 items that report this information.

10 BOARD MEMBER DANZINGER: Okay. And can I make
11 one other comment? It refers to the next item, but I
12 don't want to go back to this and divert us off.

13 But under the community outreach section I notice
14 sometimes there's detail provided as to how an AB 1497
15 hearing was noticed, how people were notified and all this
16 and that, and other times it just identifies, you know,
17 that a hearing was held.

18 Is it the Committee or the Board's desire that
19 that detailed information about how notification went out,
20 you know, in how many different ways would be included in
21 all of those sections --

22 CHAIRPERSON MULÉ: I believe we did have this
23 discussion before requesting additional information. But,
24 Howard, if you want to respond to that, that would be
25 fine.

1 DEPUTY DIRECTOR LEVENSON: We have attempted to
2 beef up that section in general, particularly when there's
3 an item of some controversy, because that's when the
4 questions usually arise.

5 We also -- this is an issue. The noticing
6 requirements and what kind of outreach an operator would
7 have to document and report to the LEA is also part of the
8 permit implementation regs, which are in the current
9 rule-making process. And that's what will be coming back
10 to the Board -- or the Committee hopefully next month.

11 Do you want to add anything?

12 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

13 I would just add that the way we collect this
14 particular information until those regs are completed and
15 it would be more standardized is to call the LEA, ask a
16 series of questions, and then report whatever information
17 we're able to glean from them. And that's kind of hit or
18 miss on whether we get to the LEA, get to the particular
19 one with the details when we're writing the item. So we
20 take as much information as we're able to get just on the
21 phone or through e-mail and put it in the item. So that's
22 why you're probably seeing some variability in terms of
23 what we report.

24 When the regs go through it will be standardized
25 on how all LEAs need to do the noticing and conduct the

1 hearings. And then the information is going to be
2 reported to the Board in a standardized way.

3 BOARD MEMBER DANZINGER: Okay. Yeah, thanks,
4 Mark. Because when I see -- as in Item 18, when it says a
5 hearing was held 6 p.m. on this date and the public -- you
6 know, the hearing was not attended by anyone from the
7 public, it's just sort of a natural question that comes to
8 mind: Okay, well, you know, how did the word go out and
9 how extensive was the notification?

10 So thanks.

11 CHAIRPERSON MULÉ: Okay. Any other questions, or
12 do I have a motion?

13 COMMITTEE MEMBER WIGGINS: Well, just before I
14 make the motion, because I'm from Sonoma County, I just
15 want to comment that I find it interesting to know the
16 percent that are below the poverty level around these
17 sites. I just think that's interesting.

18 With that, I would like to move adoption of
19 Resolution 2006-138.

20 COMMITTEE MEMBER PEACE: Second.

21 CHAIRPERSON MULÉ: I have a motion by Board
22 Member Wiggins and seconded by Board Member Peace.

23 Please call the roll, Donnell.

24 SECRETARY DUCLO: Members Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 SECRETARY DUCLO: Wiggins?

2 COMMITTEE MEMBER WIGGINS: Aye.

3 SECRETARY DUCLO: Chair Mulé?

4 CHAIRPERSON MULÉ: Aye.

5 And we'll put that one on consent.

6 Okay. Next item.

7 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

8 Chair.

9 And I also -- Member Wiggins kind of stole my
10 thunder, but I did want to acknowledge Bob Swift for his
11 outstanding service.

12 CHAIRPERSON MULÉ: I figured you were going to --

13 DEPUTY DIRECTOR LEVENSON: And he did receive an
14 award at the LEA conference voted on by the Enforcement
15 Advisory Council, and in front of all 300 attendees. And
16 Bob is richly deserving of that.

17 So wherever he is, thank you, Bob.

18 (Applause.)

19 COMMITTEE MEMBER WIGGINS: Well, stand up.

20 (Applause.)

21 DEPUTY DIRECTOR LEVENSON: Okay. On to Item D,
22 Board Item 18. This is consideration of a revised Full
23 Solid Waste Facilities Permit for the Coachella/Indio
24 Transfer Recycling Station in Riverside County.

25 And Willy Jenkins will make this presentation.

1 CHAIRPERSON MULÉ: Good morning.

2 MR. JENKINS: Good morning.

3 Also here for this item is Chuck Tobin
4 representing Burrtec Waste Industries, the on-site
5 operator; and also representing the operator, the
6 Coachella/Indio Waste Transfer Station Authority. For the
7 LEA are Laurie Holk and Mandy Gaito.

8 The proposed permit would allow the following:

9 Hours of operation for incoming waste, Monday
10 through Sunday, 6 a.m. to 8 p.m.; outbound waste, Monday
11 through Saturday, 4 a.m. to 11 p.m.; and internal
12 operations, Monday through Sunday, 24 hours per day; and
13 closed on holidays for all activities. Tonnage would be
14 1100 tons per day with no average limit. Traffic volume
15 would be 300 -- increased to 344 vehicles per day with no
16 average limit. The proposed acreage is decreasing to
17 14.47 acres.

18 The facility is changing it's name to the
19 Coachella Valley Transfer Station. And there was an error
20 on the prior address. And that address is now being
21 corrected to 87011A Landfill Road.

22 In addition, on Agenda Item 18, page 18-4, staff
23 had noted that there would be an update to the transfer
24 processing report. And staff has reviewed the transfer
25 processing report and found it to meet the requirements of

1 Title 14 Section 18221.6.

2 Board staff also had conducted a pre-permit
3 inspection and found violations, along with the LEA.
4 Subsequent to that inspection on June 27th, 2006, the LEA
5 conducted three separate inspections and has confirmed
6 that the operator now meets the state minimum standards.

7 And by the end of today staff will update the
8 agenda item to reflect the changes.

9 Therefore, staff recommends the Board adopt
10 Resolution No. 2006-139, concurring with the issuance of
11 Solid Waste Facility Permit No. 33-AA-0248.

12 This concludes staff's presentation.

13 CHAIRPERSON MULÉ: Thank you very much.

14 And do we have any questions for either Willy or
15 the operator or the LEA?

16 And I want to thank the LEA for being here today
17 as well as the operator.

18 Any questions?

19 No?

20 COMMITTEE MEMBER PEACE: No.

21 CHAIRPERSON MULÉ: Board Member Wiggins, do you
22 have any questions?

23 COMMITTEE MEMBER WIGGINS: No.

24 CHAIRPERSON MULÉ: Okay. Do I have a motion?

25 COMMITTEE MEMBER PEACE: I'd like to move

1 Resolution No. 2006-139.

2 COMMITTEE MEMBER WIGGINS: Second.

3 CHAIRPERSON MULÉ: That was moved by Board Member

4 Peace, seconded by Board Member Wiggins.

5 Let's call the roll.

6 SECRETARY DUCLO: Members Peace?

7 COMMITTEE MEMBER PEACE: Aye.

8 SECRETARY DUCLO: Wiggins?

9 COMMITTEE MEMBER WIGGINS: Aye.

10 SECRETARY DUCLO: Chair Mulé?

11 CHAIRPERSON MULÉ: Aye.

12 We'll put that one on fiscal consent.

13 Our next item, Howard.

14 DEPUTY DIRECTOR LEVENSON: Just on regular

15 consent.

16 CHAIRPERSON MULÉ: Yes.

17 DEPUTY DIRECTOR LEVENSON: Did you say -- I

18 thought I heard you say fiscal.

19 CHAIRPERSON MULÉ: Did I say -- No, consent.

20 DEPUTY DIRECTOR LEVENSON: I'm sorry. I can't

21 hear any more.

22 Okay. Agenda Item E, Board Item 19, will be

23 presented by Tad Gebre-Hawariat.

24 This is consideration of a new Full Solid Waste

25 Facilities Permit for the Evergreen Nursery Compost

1 facility in San Diego County.

2 CHAIRPERSON MULÉ: Good morning, Tad.

3 MR. GEBRE-HAWARIAT: Good morning.

4 Evergreen Nursery Compost Facility is an existing
5 green waste materials composting facility. It's located
6 in the City of Oceanside. The facility is also located on
7 a 3-acres parcel in the middle of an 80-acre nursery. And
8 compostings' done by the process of what's known as static
9 pile.

10 The facility is permitted to receive up to 500
11 cubic yards of materials per day. And the design capacity
12 is 10,000 cubic yards.

13 As we have indicated in the table on page 19-3 of
14 the agenda item, all of the requirements for the proposed
15 new permit have been met. Therefore, staff recommends
16 that the Board adopt Resolution No. 2006-140, concurring
17 in the issuance of Solid Waste Facility Permit No.
18 37-AA-0946.

19 Ms. Pam Raptis, the LEA, and Mr. Matt Cotton
20 representing Evergreen, are here to answer any questions
21 you may have.

22 This concludes my presentation.

23 CHAIRPERSON MULÉ: Thank you, Tad.

24 Do we have any questions for either Tad or Pam or
25 Matt?

1 Board Member Wiggins.

2 COMMITTEE MEMBER WIGGINS: Well, this is just
3 another comment, that neighbors were comparing about the
4 odor.

5 CHAIRPERSON MULÉ: If not there, then where?

6 COMMITTEE MEMBER WIGGINS: Yeah, exactly.

7 CHAIRPERSON MULÉ: Any questions, Board Member
8 Peace?

9 COMMITTEE MEMBER PEACE: I just noticed in 2004
10 and 2005 there were, you know, six violations of state
11 minimum standards. And it said they were related to
12 temperature monitoring -- which to me is like very
13 important -- and sampling requirements and staff training.
14 And I was just wondering, have those all been addressed?
15 Are those taken care of? I noticed there weren't any this
16 year. So hopefully all those kind of things have been
17 addressed and are not going to happen again.

18 MR. GEBRE-HAWARIAT: Yes, your observation is
19 quite correct, that in 2005 there were a lot of
20 violations. In 2006 no violations. There were a lot of
21 problems, as we saw from the LEA inspection reports.
22 There were a lot of meetings between the operator and the
23 LEA. And the LEA can discuss it further. But they met a
24 lot of times and it seems likely have resolved all the
25 issues. And as I said, in 2006 the records indicate that

1 the facility is being operated in compliance with the
2 state minimum standards.

3 CHAIRPERSON MULÉ: Thank you.

4 Pam, did you want to make a few comments? And
5 please state your name for the record. Thank you.

6 MS. RAPTIS: Yes. I'm Pam Raptis. I'm with the
7 County of San Diego Local Enforcement Agency.

8 This facility is not a typical composting
9 facility in that it does not use windrows. It does a very
10 unconventional static pile. So material comes in on one
11 end, and as time goes it moves to the other end, and
12 material is removed off of that.

13 Pathogen reduction is done somewhat differently
14 in these types of piles versus a windrow. We don't have
15 the traditional have to turn the pile five times over a
16 15-day period and taking temperatures.

17 But because that form of pathogen reduction when
18 this facility was originally permitted in 2000 was not an
19 approved source, we still do the temperature readings. So
20 we've been going back and forth doing a lot of testing on
21 those temperature readings. And because the regulations
22 didn't allow us a lot of flexibility, there were
23 violations in -- because of that type of temperature
24 readings. But we were still getting adequate pathogen
25 reduction. So we were going through a lot of materials

1 back and forth trying to figure out how to best
2 accommodate pathogen reductions with this type of
3 facility.

4 A standard windrow composting would not be
5 applicable for such a small site with the feed stock and
6 the timelines that this material holds on-site.

7 CHAIRPERSON MULÉ: Okay. Thank you.

8 Any other questions, Board Member Peace?

9 COMMITTEE MEMBER PEACE: No.

10 Thank you, Pam.

11 CHAIRPERSON MULÉ: All right.

12 MS. RAPTIS: Thank you very much.

13 CHAIRPERSON MULÉ: Board Member Wiggins?

14 COMMITTEE MEMBER PEACE: I'd like to move

15 Resolution --

16 CHAIRPERSON MULÉ: Go ahead.

17 COMMITTEE MEMBER PEACE: -- Resolution No.

18 2006-140.

19 COMMITTEE MEMBER WIGGINS: Second.

20 CHAIRPERSON MULÉ: It was moved by Board Member

21 Peace, seconded by Board Member Wiggins.

22 And let's substitute the previous roll. And

23 we'll put this one on consent as well.

24 Again, thank you for being here today.

25 MS. RAPTIS: Thank you.

1 CHAIRPERSON MULÉ: Okay. Our next item.

2 DEPUTY DIRECTOR LEVENSON: Item F, Board Agenda
3 Item 20, is consideration of a revised Full Solid Waste
4 Facility Permit for the Salton City Solid Waste Site in
5 Imperial County.

6 Susan Hambleton will make this presentation.

7 PERMITTING & INSPECTION BRANCH SOUTHERN SECTION

8 SUPERVISOR HAMBLETON: Good morning. I'm presenting this
9 item for Cathleen Oliver, who couldn't be here today.

10 Salton City Solid Waste Site is located just
11 three miles south of the community of Salton City in
12 Imperial County.

13 The proposed revised permit is to allow for the
14 following: An increase in daily tonnage from 10 tons per
15 day to 50 tons per day. An increase in vehicle count from
16 30 vehicles per day to 150 vehicles per day. And a change
17 in the estimated closure date from 2019 to 2011.

18 Pursuant to AB 1497 a public hearing was held on
19 June 22nd, 2006, at 5 p.m. And the public that attended
20 the hearing were actually in support of the permit
21 revision.

22 On June 23rd staff conducted an inspection of the
23 landfill, and no violations were noted. And a negative
24 declaration was prepared for the permit revision and
25 approved by the Imperial County Planning Commission in

1 2004.

2 All of the requirements for the proposed revised
3 permit have been met. Therefore, staff recommends that
4 the Board adopt Resolution 2006-142, concurring in the
5 issuance of Solid Waste Facility Permit No. 13-AA-0011.

6 This concludes my presentation.

7 And at this time I can assist with any questions
8 that you may have. In addition, Mr. Jeff Lamoure, Manager
9 of the Imperial County LEA, and Mr. William Burnet,
10 Director of Imperial County Public Works, are also
11 available to answer any questions that you may have.

12 CHAIRPERSON MULÉ: Thank you, Suzanne.

13 Do we have any questions for anyone?

14 Board Member peace?

15 COMMITTEE MEMBER PEACE: Well, I just noticed
16 that there is no scale on-site --

17 PERMITTING & INSPECTION BRANCH SOUTHERN SECTION
18 SUPERVISOR HAMBLETON: Correct.

19 COMMITTEE MEMBER PEACE: -- because it is a small
20 site. And you use a conversion factor.

21 How accurate are those conversion factors on
22 private -- it says here that basically all the trash is
23 coming from private parties and not necessarily commercial
24 loads. Isn't that kind of hard to do?

25 PERMITTING & INSPECTION BRANCH SOUTHERN SECTION

1 SUPERVISOR HAMBLETON: I think they have it worked out so
2 they can estimate what's in the back of a load of the
3 truck. But I might want to defer to the LEA actually for
4 more information on that.

5 CHAIRPERSON MULÉ: Is the LEA here? If you want
6 to come up and explain. Because I don't want to put words
7 in your mouth for the answer. So --

8 COMMITTEE MEMBER PEACE: Lean how to act with all
9 those conversion factors on private --

10 MR. LAMOURE: I'm Jeff Lamoure with Imperial
11 County LEA.

12 In essence, what they have is they have a
13 conversion factor based on the type of vehicle, the half a
14 ton, based on the load, whether it be concrete or
15 municipal waste. There's a factor that they plug in to
16 derive the figures, and that is done each and every --
17 with each and every vehicle that is brought in to the
18 facility.

19 If you'd like, I can provide staff a copy of the
20 factors to review.

21 COMMITTEE MEMBER PEACE: And you're going to
22 be -- have the -- since before you had 30 vehicles a day
23 coming in that you had to do the conversion factor on, now
24 you could possibly have 150 vehicles a day coming in, will
25 you have to do -- isn't that going to take a lot of time?

1 MR. LAMOURE: Again, that's the operator's
2 responsibility to do. If they're going to utilize that
3 method, that's what they're going to be required to do.
4 It's up to that amount. There's a tremendous amount of
5 construction that's occurring in growth in the Salton City
6 area. So the increase to 150 tons -- or 150 vehicles per
7 day is to allow that increase, that expected growth.

8 COMMITTEE MEMBER PEACE: Because you have a lot
9 of construction. So if there was a construction and
10 demolition facility next door, would they be required to
11 have a scale?

12 MR. LAMOURE: If there is a C&D facility next
13 door?

14 COMMITTEE MEMBER PEACE: Yeah, if they put a C&D
15 facility in and it was going to go to -- the construction
16 waste was going to go there instead of the landfill --

17 MR. LAMOURE: We would have to --

18 COMMITTEE MEMBER PEACE: -- under our regulations
19 wouldn't they -- wouldn't the C&D facility be required to
20 have a scale?

21 DEPUTY DIRECTOR LEVENSON: I'm going to have to
22 go back in to the regulations and check that detail for
23 you, Ms. Peace.

24 MR. LAMOURE: Obviously we would know --

25 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

1 Mark de Bie with Permitting and Inspection.

2 Yes, that's a unique aspect of the C&D regs. The
3 C&D sites have to have records based on scales. They
4 don't have to have scales on-site, but they have to have
5 tonnage records that are based scales. So they could
6 weigh them off-site, but they would have to collect that
7 data and have it available on-site. So that's a unique
8 aspect of that.

9 And a note too is, my understand of the DRS
10 requirements that are in place now is -- will require
11 facilities to have scales unless they're able to request a
12 waiver of that requirement.

13 COMMITTEE MEMBER PEACE: So this facility then
14 would have to have a scale or have their trucks go over a
15 scale somewhere, I mean --

16 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
17 If it was a C&D site they would have to --

18 COMMITTEE MEMBER PEACE: No, I thought you just
19 said something about the DRS.

20 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
21 DRS, my understanding, is requiring scale
22 tonnages or tonnages based on scale readings for most of
23 the sites now.

24 COMMITTEE MEMBER PEACE: Okay. Thank you.

25 MR. LAMOURE: And, again, if I can just clarify

1 one thing.

2 This calculation is specifically for self-haul
3 for the private resident -- or for the residence. Any
4 commercial waste that is brought into this site is
5 required to be weighed in, it is required to receive tare
6 weight. And they -- that's recorded and brought into the
7 site.

8 COMMITTEE MEMBER PEACE: Okay. So it goes over a
9 scale, so if you --

10 MR. LAMOURE: That is correct. Any commercial
11 waste is required to be weighed.

12 Okay. Thank you.

13 CHAIRPERSON MULÉ: Okay. Any other questions?

14 Board member Danzinger.

15 BOARD MEMBER DANZINGER: I just want to say quick
16 that I notice that the hearing was held. And I just want
17 to commend Shirley Lee Palmer and the Desert Shores
18 Neighborhood Association. I wanted to get their name in
19 the record, because I think it's always encouraging to see
20 when neighborhood groups get educated on what's happening
21 in their area and they support responsible, well run
22 facilities. We're all part of the problem. We all have
23 to be part of the solution. It's a relatively small
24 facility, but they're taking care of their own and that's
25 a good thing.

1 CHAIRPERSON MULÉ: Thank you, Board Member
2 Danzinger.

3 And I just want to comment. I want to thank the
4 county and the LEA for doing a little bit of advanced
5 planning. I've been in this area. I was down there
6 several years ago before all the growth that is occurring
7 has occurred. And I just appreciate your planning ahead
8 for the growth that is coming your way. So thank you for
9 at least having some foresight in your infrastructure
10 planning. Thank you.

11 Do I have a motion?

12 COMMITTEE MEMBER WIGGINS: No, I was just --

13 CHAIRPERSON MULÉ: Oh, I'm sorry. Board Member
14 Wiggins.

15 COMMITTEE MEMBER WIGGINS: I was just curious
16 about one thing.

17 This says that 23.5 percent of the families are
18 below the poverty level. Does that mean that the Salton
19 City area has a lot of poverty level people?

20 PERMITTING & INSPECTION BRANCH SOUTHERN SECTION

21 SUPERVISOR HAMBLETON: That's what the census is
22 representing, is 23.5. I would have to call again someone
23 from Imperial County. I'm not familiar with the area.

24 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

25 No, I'm not familiar with the area. But I just

1 want to indicate that this is information based on one
2 census tract. And depending on where that tract is on the
3 map, it may be the Salton City area or it may be -- this
4 is three miles away, so it may not include Salton city.
5 But, you know, you have blocks and tracts in a census. So
6 the chart indicates that this is Census Tract 123.02. And
7 we could look on a map and determine what that tract
8 includes. But it may or may not include Salton City
9 itself. So our attempt here is to --

10 COMMITTEE MEMBER WIGGINS: Oh, I'm just curious
11 because that's a large percent.

12 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

13 Yeah. Our attempt here is just to show the
14 demographics in and around the site. So sometimes still,
15 because of the census reporting, there are some areas up
16 in the mountain areas, mountain counties where we can only
17 get data for the whole county, and it's not broken down to
18 block and tract as yet. But perhaps the operator can give
19 you an idea of the demographics.

20 MR. BURNET: William Burnet, Director of Public
21 Works.

22 CHAIRPERSON MULÉ: I'm sorry. Could you repeat
23 your name for the record.

24 MR. BURNET: William Burnet.

25 That particular area up there is experiencing a

1 tremendous amount of growth. I think in the last year
2 I've talked to one developer. He's been issued 413
3 building permits. And that's -- there's still more than
4 that. I think the area has a tremendous potential for
5 growth. And these are, I would say, middle income type
6 homes that are being constructed there. So I think the
7 poverty level will probably change in the census tract.

8 CHAIRPERSON MULÉ: Okay. Any other questions?

9 Do I have a motion?

10 COMMITTEE MEMBER PEACE: I'd like to move
11 Resolution No. 2006-142.

12 COMMITTEE MEMBER WIGGINS: Second.

13 CHAIRPERSON MULÉ: It was moved by Board Member
14 Peace and seconded by Board Member Wiggins.

15 And if we could substitute the previous roll. We
16 will put this item on consent as well.

17 And then our next item is Committee Item G.

18 Howard.

19 DEPUTY DIRECTOR LEVENSON: Okay. This is our
20 last item -- next and last item for the day.

21 This is consideration of a new Full Solid Waste
22 Facilities Permit for Sun-Land Garden Products in Monterey
23 County.

24 Angela Basquez will be making this presentation.

25 MS. BASQUEZ: Hi. Good morning.

1 Sun-Land Garden Products is an existing
2 composting facility owned and operated by the Monterey
3 Regional Waste Management District. It has been operating
4 since 1986. It was first issued a standardized permit in
5 2001. After the revised compostable materials handling
6 regulations became effective in April, 2003 the LEA
7 inspected the site and determined the site needed a full
8 composting materials handling facility permit, as there is
9 no longer a standardization tier in regulation for compost
10 sites.

11 The proposed new permit is to allow the
12 following: The continued operation of a compostable
13 materials handling facility under a full permit instead of
14 a standardized permit. Change the permitted days and
15 hours of operation from 7 a.m. to 4 p.m., Monday through
16 Saturday, to 7:30 a.m. to 4 p.m., Monday through Friday.
17 The facility is not open to the general public and on-site
18 operations may occur on Sunday. Change the permitted
19 design capacity from 600,000 cubic yards to 200,000 cubic
20 yards. Change the permitted operating area from 59 total
21 acres to 59.42 total acres.

22 The LEA has certified the following and staff
23 have made the following determinations: The Department
24 application package is complete and correct. The report
25 of composting site information meets the requirements of

1 Title 14. The proposed new Solid Waste Facilities Permit
2 is consistent with and is supported by the existing CEQA
3 analysis. The facility is consistent with the state
4 minimum standards and the County Solid Waste Management
5 Plan.

6 In conclusion, staff recommends the Board adopt
7 Decision 2006-143, concurring the issuance of a new Solid
8 Waste Facilities Permit for Sun-Land Garden Products,
9 27-AA-0085.

10 The operator and LEA are here to assist you with
11 any questions you might have.

12 This concludes staff's presentation.

13 CHAIRPERSON MULÉ: Thank you, Angela.

14 Do we have any questions for either Angela or the
15 operator, the LEA?

16 Board Member Peace.

17 COMMITTEE MEMBER PEACE: Well, I guess I'm just
18 kind of curious to see that the acres went up a little
19 bit, but the design capacity went like way down. I don't
20 think I've ever seen a permit where they're asking to
21 go -- to have their permit design capacity go down like
22 this. I was just kind of curious about that.

23 MS. BASQUEZ: I can have the LEA answer that for
24 you.

25 CHAIRPERSON MULÉ: Good morning. Please state

1 your name for the record.

2 MR. TERRASUS: Good morning, Madam Chair, members
3 of the Board. My name is Ted Terrasus. I'm with the
4 Monterey County LEA.

5 I just wanted to clarify really quickly that
6 Sun-Land is privately owned, but is operating on a land
7 owned by the Monterey Regional Waste Management District.
8 And also the fact that in terms of the capacity of the
9 material on site, basically -- I've been inspecting this
10 site kind of off and on for the past four years or so.
11 And basically I think the initial capacity that was stated
12 in the standardized permit issued in 2001 was a bit of
13 a -- more than it turned out could be contained in the
14 site at least, you know, in a capacity where this material
15 is on-site constantly.

16 And it was a bit of an overstatement to say that
17 600,000 cubic yards would be available on-site. So it's
18 been adjusted to 200,000 in order to more accurately
19 reflect the operations.

20 COMMITTEE MEMBER PEACE: Okay. So if they left
21 it the way it was but only took in 200,000, would they
22 need to get a permit change for that? Unless you wanted
23 to keep it then low -- you wanted it to be lower.

24 MR. TERRASUS: The issue now is that they're
25 going to be handling over 12,500 cubic yards of green

1 material on-site, so they will be required to get the full
2 permit. It's not -- the amount of material is
3 really -- depending on what they have, they can have a
4 tremendous amount of material on-site.

5 COMMITTEE MEMBER PEACE: Yeah, I understand why
6 you needed to get the permit. But I understand if we had
7 left it -- if you had left it at 600 and didn't do a
8 change --

9 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE
10 BRANCH MANAGER WALKER: They could have left it. But
11 since they had to go ahead and get a full permit under the
12 new regulations, they're updating the permit information.

13 COMMITTEE MEMBER PEACE: So this means they want
14 to keep it --

15 MR. TERRASUS: -- to be more accurate. I mean
16 because the 200,000 is accurate according to their
17 operations today. So they wanted to be -- to have the
18 most accurate information available on the current permit.

19 COMMITTEE MEMBER PEACE: Well, I guess they don't
20 plan to expand or --

21 MR. TERRASUS: No, no. And actually there's
22 really not --

23 COMMITTEE MEMBER PEACE: -- you want to keep it
24 at that lower level.

25 MR. TERRASUS: Right. There's not really

1 sufficient room to expand beyond the 200,000 anyway.

2 COMMITTEE MEMBER PEACE: Okay. Thank you.

3 CHAIRPERSON MULÉ: Thank you.

4 Any other questions?

5 COMMITTEE MEMBER PEACE: I guess I -- here this
6 question comes up again with the public outreach when they
7 did have a public hearing because they said that was a new
8 permit. Even though they had to get this new permit, it
9 really isn't a new permit -- I mean it really isn't,
10 because if it was a new permit they wouldn't be changing
11 the -- you know, there wouldn't be permitted capacity and
12 proposed capacity and there wouldn't be permitted hours
13 and proposed hours. There's a change. So it really isn't
14 new, because you couldn't have a change to a new permit.

15 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

16 BRANCH MANAGER WALKER: I hear your concern about that,
17 Member Peace. And, again, this is one of the items that
18 is included in the pending permit implementation
19 regulations, so that a public hearing would be required
20 whether it's a revised permit or a new permit.

21 CHAIRPERSON MULÉ: But they did hold the hearing.

22 COMMITTEE MEMBER PEACE: No, this one didn't.

23 CHAIRPERSON MULÉ: I thought they did.

24 REMEDIATION, CLOSURE & TECHNICAL ASSISTANCE

25 BRANCH MANAGER WALKER: It wasn't termed an AB 1497

1 hearing. It was a separate hearing --

2 CHAIRPERSON MULÉ: No, but they held a hearing.
3 They did hold it. It says it, the Board conducted a
4 public hearing.

5 COMMITTEE MEMBER PEACE: Oh, they didn't
6 conduct --

7 CHAIRPERSON MULÉ: Yeah, they did. They had a
8 hearing. They did hold a hearing. It's not a 1490, but
9 they held a public hearing. It doesn't matter what kind
10 of hearing it is. They had a public hearing.

11 COMMITTEE MEMBER PEACE: -- that significant
12 anyway. But I was just going to point out that I'm glad
13 we are going through with regulations that are going to
14 close some of these loopholes.

15 CHAIRPERSON MULÉ: Well, and I appreciate the
16 fact that although a hearing wasn't required, they held
17 one. So --

18 Board Member Wiggins.

19 COMMITTEE MEMBER WIGGINS: I was just curious. I
20 didn't attend the LEA conference in Monterey. But my
21 advisor went out to look at the site, and I just wondered
22 if anybody else did.

23 CHAIRPERSON MULÉ: I didn't see that -- I think I
24 went out -- I've seen it a while ago last year.

25 COMMITTEE MEMBER WIGGINS: Oh, okay.

1 CHAIRPERSON MULÉ: I was there. I was at that
2 site, yeah, about a year ago.

3 It's a good facility. The Monterey Regional
4 Solid Waste District, they operate -- all their facilities
5 I think they operate very well. So I think they do a good
6 job.

7 Anyway, do I have a motion?

8 COMMITTEE MEMBER PEACE: I'd like to move
9 Resolution No. 2006-143.

10 COMMITTEE MEMBER WIGGINS: Second.

11 CHAIRPERSON MULÉ: We have a motion by Board
12 Member Peace, seconded by Board Member Wiggins.

13 Then we'll substitute the previous roll.

14 We'll put this item on the agenda.

15 And do I have any comments -- anyone from the
16 public that wishes to address the Committee?

17 Hearing none, this meeting is adjourned.

18 Thank you all.

19 (Thereupon the Permitting and Enforcement
20 Committee adjourned at 10:52)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said hearing nor in any
13 way interested in the outcome of said hearing.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 14th day of August, 2006.

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23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 10063